

## PROFESSIONAL LICENSURE DIVISION[645]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 147.76, the Board of Dietetics hereby gives Notice of Intended Action to amend Chapter 81, “Licensure of Dietitians,” Chapter 82, “Continuing Education for Dietitians,” and Chapter 83, “Discipline for Dietitians,” Iowa Administrative Code.

These proposed amendments add definitions of “consultation” and “supervision of nonlicensees”; clarify the requirements for submitting documents to verify that licensure requirements are met; establish new requirements for degree evaluation of foreign-trained dietitians; clarify acceptance of supervised practice experience for licensure; provide to license applicants who hold licensure in other states alternate forms of verification of passing the national examination; rescind the requirement for mailing a renewal notice that is outdated given the current online renewal system; add a definition of “webinar” applicable to continuing education; provide clarification for obtaining hours of continuing education; remove the audit language for continuing education programs and activities submitted in accordance with professional development portfolios for American Dietetic Association/Commission on Dietetic Registration (ADA/CDR) certification; and adopt the ADA/CDR Code of Ethics for the Profession of Dietetics and Process for Consideration of Ethics Issues, as revised January 1, 2010.

Any interested person may make written comments on the proposed amendments no later than April 5, 2011, addressed to Sharon Dozier, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; E-mail [sdozier@idph.state.ia.us](mailto:sdozier@idph.state.ia.us).

A public hearing will be held on March 29, 2011, from 11 a.m. to 12 noon in the Fifth Floor Board Conference Room, Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

These amendments are intended to implement Iowa Code chapters 21, 147, 152A and 272C.

The following amendments are proposed.

ITEM 1. Adopt the following new definitions in rule **645—81.1(152A)**:

“*Consultation*” means the practice of providing professional advice to another dietitian or other professional in a particular case and for a limited time, in affiliation with, and at the request of, a dietitian licensed in this state.

“*Supervision of nonlicensees*” means any of the following: delegation of duties, direct oversight, or indirect oversight of employees or other persons not licensed by the board.

ITEM 2. Rescind and reserve rule **645—81.3(152A,272C)**.

ITEM 3. Amend paragraphs **81.4(4)“b”** and **“c”** as follows:

b. Official verification statements have been sent to the board from the didactic and internship or preprofessional practice programs ~~have been sent to the board~~ or from the Commission on Dietetic Registration (CDR) to verify completion of the academic and preprofessional practice requirements; and

c. The applicant satisfactorily completes the registration examination for dietitians administered by the Commission on Dietetic Registration (CDR). The board will accept the passing score set by the ~~Commission on Dietetic Registration~~ CDR. Verification of satisfactory completion may be established by one of the following:

(1) ~~sending~~ The applicant sends to the board a notarized copy of the ~~Commission on Dietetic Registration (CDR)~~ registration card or

(2) CDR sends an official letter ~~sent directly from CDR~~ to the board to verify that the applicant holds registration status; or

(3) CDR posts Web-based verification that the applicant holds registration status.

ITEM 4. Amend subrule 81.4(5) as follows:

**81.4(5)** A license is not required for dietitians who are in this state for the purpose of consultation, in accordance with rule 645—81.1(152A), when they are licensed in another state, U.S. ~~possession~~ territory, or country, or have received at least a baccalaureate degree in human nutrition from a U.S. regionally accredited college or university. ~~Consultation means the practice of dietetics in affiliation with, and at the request of, a dietitian licensed in this state.~~

ITEM 5. Rescind subrule 81.5(2) and adopt the following new subrule in lieu thereof:

**81.5(2)** A foreign-trained dietitian shall:

a. Provide an official letter sent directly from the Commission on Dietetic Registration (CDR) to the board to verify that the applicant has met the minimum academic and didactic program requirements of CDR. Foreign degree evaluation agencies and equivalency evaluation requirements of the Commission on Accreditation for Dietetics Education (CADE) of the American Dietetic Association (ADA) are listed on the CADE Web site at: <http://www.eatright.org/students/getstarted/international/agencies.aspx>; and

b. Provide evidence of meeting all other requirements in these rules.

ITEM 6. Rescind rule 645—81.6(152A) and adopt the following new rule in lieu thereof:

**645—81.6(152A) Supervised experience.** The applicant shall complete a documented supervised practice experience component that meets the requirements established by the Commission on Dietetic Registration (CDR) of the American Dietetic Association (ADA).

ITEM 7. Amend rule 645—81.7(152A) as follows:

**645—81.7(152A) Licensure by endorsement.** An applicant who has been a licensed dietitian under the laws of another jurisdiction shall file an application for licensure by endorsement with the board office. The board may receive by endorsement any applicant from the District of Columbia or another state, territory, province or foreign country who:

1. Submits to the board a completed application;
2. Pays the licensure fee;
3. Shows evidence of licensure requirements that are similar to those required in Iowa;
4. Provides official copies of the academic transcripts;
5. Provides a notarized copy of the Commission on Dietetic Registration (CDR) registration card or an alternate form of verification of passing the registration examination, as stated in 81.4(4)“c”; and
6. Provides verification of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification direct from the jurisdiction’s board office if the verification provides:
  - Licensee’s name;
  - Date of initial licensure;
  - Current licensure status; and
  - Any disciplinary action taken against the license.

ITEM 8. Amend subrule 81.9(1) as follows:

**81.9(1)** The biennial license renewal period for a license to practice dietetics shall begin on the sixteenth day of the licensee’s birth month and end on the fifteenth day of the licensee’s birth month two years later. ~~The board shall send a renewal notice by regular mail to each licensee at the address on record at least 60 days prior to the expiration of the license.~~ The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive ~~the notice~~ from the board does not relieve the licensee of the responsibility for renewing the license.

ITEM 9. Adopt the following **new** definition in rule **645—81.2(152A)**:  
“*Webinar*” means a Web-based seminar, presentation, lecture, or workshop that is transmitted over the Web.

ITEM 10. Amend subrule 82.2(3) as follows:

**82.2(3)** Hours of continuing education credit may be obtained ~~by attending and participating in a continuing education activity. These hours must be in accordance with these rules~~ in accordance with the definitions and standards in these rules.

ITEM 11. Amend paragraph **82.3(2)“b”** as follows:

*b.* The licensee ~~shall participate~~ may engage in other types of activities identified in the individual licensee’s professional development portfolio for Commission on Dietetic Registration (CDR) certification. ~~Programs or activities shall be subject to approval in the event of an audit.~~

ITEM 12. Reletter paragraphs **82.3(2)“c”** and **“d”** as **82.3(2)“e”** and **“f.”**

ITEM 13. Adopt the following **new** paragraphs **82.3(2)“c”** and **“d”**:

*c.* The licensee may engage in programs/activities via webinars and independent study, in accordance with the definitions and standards in these rules.

*d.* The licensee may submit completed training to comply with mandatory reporter training requirements, as specified in 645—subrule 81.9(4). Hours reported for credit shall not exceed the hours required to maintain compliance with required training.

ITEM 14. Renumber subrules **83.2(1)** to **83.2(31)** as **83.2(2)** to **83.2(32)**.

ITEM 15. Adopt the following **new** subrule 83.2(1):

**83.2(1)** Failure to comply with the American Dietetic Association/Commission on Dietetic Registration, Code of Ethics for the Profession of Dietetics and Process for Consideration of Ethics Issues, as revised January 1, 2010, hereby adopted by reference. Copies may be obtained from the American Dietetic Association/Commission on Dietetic Registration Web site at <http://www.cdrnet.org>.